

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA</b>	)	<b>8:08MJ74 (D. Nebr.)</b>
	)	<b>08-mj-1040 D. Colorado)</b>
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>GUSTAVO ESCALANTE-MARTINEZ,</b>	)	
	)	<b>Magistrate Judge Thalken</b>
<b>Defendant.</b>	)	

**RULE 5 ORDER**

A Criminal Complaint having been filed in the district court for the District of Colorado charging the above-named defendant with violation of 21:USC Section 846, 841(a)(1) and 841(b)(1)(A) and the defendant having been arrested in the District of Nebraska, proceedings to commit defendant to another district were held in accordance with Fed.R.Cr.P.5. The defendant had an initial appearance here in accordance with Fed.R.Cr.P.5 and was informed of the provisions of Fed.R.Cr.P.20. Additionally, defendant

- (X ) Waived an identity hearing and admitted that he was the person named in the aforementioned charging document.
- (X ) Requested a preliminary examination be held in the charging district.
- (X ) The government moved for detention.

Accordingly, it is ordered that the defendant is held to answer in the charging district.

- (X ) Defendant has been unable to obtain release under the Bail Reform Act of 1984, 18 U.S.C. § 3141 et.seq. and the U.S. Marshal is commanded to take custody of the above named defendant and to transport the defendant with a certified copy of this order forthwith to the charging district specified above and there deliver the defendant to the U.S. Marshal for that district or to some other officer authorized to receive the defendant, all proceedings required by Fed.R.Cr.P.5 having been completed.
- ( ) Defendant has been released in accordance with the provisions of the Bail Reform Act of 1984, 18 U.S.C. § 3141 et.seq. The defendant is to appear before the district court of the prosecuting district at such times and places as may be ordered. All funds, if any, deposited on behalf of this defendant with the Clerk of Court pursuant to the Bail Reform Act, shall be transferred to the prosecuting district.

IT IS SO ORDERED.

DATED in Omaha, Nebraska this 9<sup>th</sup> day of April, 2008.

s/ Thomas D. Thalken  
U.S. Magistrate Judge